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THE MAGEE INCIDENT

HOW A GREAT POWER
SECURED ADEQUATE REDRESS FOR THE
ILL-TREATMENT OF
ITS CONSULAR REPRESENTATIVE

Respectfully Submitted To The Attention of

PRESIDENT WILSON

AND

THOSE WHO SHARE WITH HIM

The Responsibility For The Conduct Of Our
Foreign Relations

Prepared from Official Documents, by

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THE MAGEE INCIDENT (1874)

Great Britain and Guatemala

The American consular agent at San José, Guatemala, in a letter of April 26, 1874, writes as follows:

Sir,

On the arrival of the steam-ship "Arizona" at the port on the morning of the 24th instant, the chief officer of the ship came ashore to see Mr. Magee about discharging his ship. On his return to the steamer he was met by the Comandante on the head of the pier, who told him he would not permit him to embark. The officer reported the case to me. I at once went to the Comandante and told him he must not interfere with American sailors passing to and from their ships, so he let him off. An hour after I received a message that Mr. Magee and Mr. Moncrieff were prisoners, and in prison by order of the Comandante. I went to the Comandante to inquire what he had arrested them for. His reply was, he would release Mr. Moncrieff, but he would give Mr. Magee 500 lashes today, and tomorrow he would shoot him. His reasons:—He had sent for Mr. Magee to come to his house. Magee, having a sore foot, sent back word he could not come. The Comandante sent word to Mr. Magee to state his reasons for not coming in writing.

Magee's written reasons were, he had a sore foot; and besides, his position as British Vice-Consul exempted him from appearing.

*Prepared from the material in the Parliamentary Papers, 1875, vol. 82.

The Comandante then sent a guard of soldiers to bring him, and if he would not come, to arrest him or shoot him.

The soldiers went to the house of Mr. Magee and took him prisoner.

Before leaving the house Mr. Magee put a pistol in his pocket.

On appearing before the Comandante (who met him going up stairs) he asked him why he had brought that pistol with him.

Mr. Magee replied, "Knowing you to be a very violent man, I carry this pistol to defend myself."

The Comandante then struck Mr. Magee in the face several times, and told him today he would give him 500 lashes, and tomorrow he would shoot him.

This was about 12 o'clock (noon)

I did not think the Comandante would dare to carry out his threats, but I was very much mistaken; for at 4 o'clock P. M. the soldiers were formed, the bugles sounded, and Mr. Magee was brought up to be lashed.

I at once went to my office and wrote a protest, in the name of the United States, against such a disgraceful outrage against humanity, civilization, and all laws, human and divine, but he would not receive my protest or listen to me in any way. I was rudely put down stairs by the soldiers, and he carried out his shameful and infamous outrage on the person of a representative of a civilized and Christian nation.

I tried to telegraph you several times during the day, but the Comandante had seized the telegraph and would permit no communication on that day, so I acted on my own judgment, and am responsible for all my actions, and will accept any result they may entail; and if my



conduct has exceeded my official duty, I can only say I will be satisfied with any action you may conceive it your duty to take in reference to the whole course of this disgraceful affair. My conduct will never bring a blush to the cheek of an American.

During the whole course of the day I could not get an opportunity to tell the Comandante of the dreadful result of his conduct.

This day, all day, he was blind and stupid with drink and revenge. But something must be done. Mr. Magee had received 210 lashes, the first part of the threat had been carried out, and the second was that tomorrow morning Mr. Magee must die. Nearly every foreigner had fled the port.

I determined to save his life, whether it was my official duty or not; whether I saved my own life or not. I waited till morning, got up very early, that I might see the Comandante before he had taken any drink.

About 7 A. M. I saw the Comandante bringing Mr. Magee out. He formed the soldiers, and was ready to flog Mr. Magee again.

I immediately went up to him and told him not to attempt to go any farther with this infamous outrage. He said he was going to give Mr. Magee more lashes and then shoot him. I told him it would ruin him and bring misfortune on his country, perhaps ruin. He listened to me and began to think and understand his situation. He said, "I am ruined any way, and before the event I will kill Mr. Magee."

He then says, "I will flee the country; and if Mr. Magee will give me money I will go aboard the steamer if you will put me safely there." Mr. Magee at once said, "I will give you all the money you want." I pledged him the protection of the American flag.

At this time the captain of the "Arizona" (Captain Morse) sent me word that he was going to leave.

I wrote him a note, imploring him to delay an hour longer.

I had the money in my pocket, and the Comandante was ready to go. He bid Mr. Magee good-bye and told him he was free. I walked down the pier with him, and we got into the boat together and pushed away.

I had now succeeded in saving Mr. Magee's life, and now risked my own; for when the boat had arrived at the steps of the steamer's ladder I got out first, the Comandante following me, with one foot on the steps and the other still in the boat, when the passengers, armed with pistols, opened fire on the Comandante, after I had promised him the protection of our flag. It was on this condition he had agreed to spare Mr. Magee. He received two mortal wounds, stepped back into the boat, and went to the shore.

He now lies in a dying condition.* I regret this last outrage.

In justice to Captain Morse, I must say he did all that he could to prevent it.

I am, &c.,

(Signed) EDWIN JAMES,
United States' Consular Agent.

The British Vice-Consul was a merchant consul, which corresponds to a "consular agent" in other services. The statement which he made agrees substantially with this account. From Mr. Moncrieff we learn that he had previously warned the Guatemalan authorities of the responsibility they would incur by retaining such men as the Comandante Gonzales and the Administrator Bulnes

* He recovered and was punished.

in office. He also relates how, acting under the directions which Mr. Magee was able to convey to him, he succeeded in notifying the Guatemalan authorities of Mr. Magee's arrest. The President of Guatemala seems to have acted with due diligence. He removed the guilty officials, and they were brought to punishment with reasonable dispatch.

On May 1, the British chargé in Central America entered into an agreement with the Guatemalan Minister for Foreign Affairs in regard to the satisfaction which the Guatemalan Government should give the British Government for the outrage upon its consular representative committed by the Comandante, a Spaniard in the service of the Republic. In addition to the punishment of the Comandante and the Administrator Bulnes the Guatemalan Government agreed to salute the British flag with twenty-one guns. The matter of indemnity raised by the British charge caused more difficulty. The Guatemalan Government set forth its view that it could not be held responsible for an act such as that of the Comandante when it had made every effort to bring the transgressor to punishment, and even if the Guatemalan Government should be held as obligated to pay an indemnity, Guatemala contended that such indemnity was a personal matter with the victim of the outrage. Now Mr. Magee had expressed his appreciation of the prompt action taken by the President of Guatemala and had already renounced any claim for an indemnity, hence no demand could be rightfully made. Nevertheless the Government of Guatemala placed on record its consent that "If Her Britannic Majesty's Government shall, when it shall have a full knowledge of the matter, and of the conduct of the Government of Guatemala, and of the manner in which it has deplored this event, be of opinion

that it ought to ask for an indemnity, and should insist upon it, notwithstanding the contrary resolution of the outraged Mr. Magee, then the Government of Guatemala will enter, with that of Her Britannic Majesty, into the negotiations convenient to arrange this point."

When Lord Derby, then Minister of Foreign Affairs, received the report of the occurrences at San José, he approved the conduct of the British chargé, and, in view of the diligence of the Guatemalan Government in the prosecution of the offenders, expressed the willingness of his government to accept the apologies offered. but, in his instructions to the British chargé, he declared that the nature of the outrage required "that the salute to the British flag should be given in the most formal manner," and to this end he communicated with the Admiralty, so that the vessels of the squadron in the Pacific might proceed to San José to take part in the ceremony. Lord Derby further insisted upon an indemnity, but said that he was willing, in view of the action of the Guatemalan Government, to place it at the small figure of ten thousand pounds. He did not accept the views of the Guatemalan Government as to the personal nature of this indemnity, but considered it as due for the outrage to a British consular representative. Lord Derby further instructed the British chargé to insist upon the payment of the indemnity of ten thousand pounds at the time of the salute of the flag, and, if the Guatemalan Government should attempt to discuss the matter, he was directed to inform them of this final decision of the British Government, and to warn them of the consequences of a failure to comply therewith.

About this time—July 29—the following item appeared in the "London Daily News":

"The Outrage of Consul Magee.—We are in-

formed that the English fleet in the Pacific is ordered to collect at Panama, and will proceed to one of the ports of Guatemala to enforce prompt payment of £20,000 in compensation for the outrage on Consul Magee."

This called forth a note from General Negrete, the Guatemalan Minister at London. He quoted the article and stated that it had caused apprehension and that merchants hesitated to ship goods to Guatemala for fear commercial intercourse might be interrupted by hostilities. The minister asked Lord Derby to inform him whether there was any foundation for the statement appearing in the press. In reply, Lord Derby simply communicated to the Guatemalan representative a copy of the instructions he had sent the British chargé. In view of their somewhat peremptory tone it is not surprising that General Negrete replied with a mild protest. He noted that Lord Derby had instructed the British representative, in the event that the malefactors should not be adequately punished, to insist that they be brought to justice. General Negrete informed Lord Derby that full punishment had been inflicted, and he considered that the Guatemala Government had acted of its own free will, actuated by a sense of its obligation. He further contended that the presence of the squadron and other formalities in regard to the salute of the British flag were out of all proportion to the gravity of the injury. "And why," he asks, "M. le Ministre, such ostentation of power before the Republic of Guatemala, which has shown herself indignant against the criminals who outraged the English Vice-Consul, and which immediately tried them and sentenced them with all the rigor of the law? The conduct of the Guatemalan Government in this unfortunate affair does it honor in face of Great Britain and

in face of the civilized world. Why is it now required to salute with a solemnity only befitting cases of much more seriousness, such, for example, as when a government orders capital executions, which have been performed, and the destruction of flags? What solemnity is reserved, then, for the case of giving salutes of honor after the conclusion of a war, or the surrender of arms in the open field? England has not required the salute from Guatemala, it is Guatemala which has offered it to England, from considerations of honor, of friendship, and of civilization, not because Guatemala considers herself culpable before England, but, on the contrary, deserving of consideration before the whole world, for the Government of Guatemala, employing all its resources, succeeded in capturing the fugitive criminals, and sentenced them with all the rigor of the law in ninety days after a Vice-Consul had been outraged. Considering these circumstances, it would appear to be sufficient merely that the English flag should be hoisted on the British Vice-Consulate, and that the Commandancy of the port should salute it with the usual twenty-one cannon-shots."

A few days later, General Negrete wrote again to complain that the British Government had failed to take any notice of the communications he had made, and to this Lord Derby replied, August 15 :

"I fully appreciate the sentiment which induced you to address to me the note in question; but I must beg leave to point out to you, in reply, that it is impossible satisfactorily to discuss here the matter to which it relates."

The discussion was continued at San José and these

same arguments repeated. In his note of August 31, the Guatemalan Minister for Foreign Affairs concluded his arguments against the indemnity as follows :

“I regret to have to insist in denying the force of this argument of Lord Derby. My Government cannot understand that the injury done by Gonzalez to Magee is understood as done to the British nation ; and, in granting that it is so, it is surprised to see that your Government desires that the honor and dignity of England should be indemnified with money. The question of honor and satisfaction is arranged by the salute to the British flag, stipulated for in Article II of the Protocol, as is customary between civilized nations. The honor of these and of their Governments cannot be indemnified by money, whatever the sum may be that is offered. National offenses have no price.

“My Government, whilst it further considers this point, insists that it owes to yours no indemnity, and with this view, trusts that you will transmit to the proper department the observations contained in this despatch, in order that, in conformity with the stipulations of the Protocol, the negotiations on this point may be opened in a formal manner.”

To this note the British chargé, in accordance with his instructions mentioned above, replied with the following ultimatum :

“Sir: I have the honor to acknowledge the receipt of your Excellency’s despatch, dated today, answering that of Lord Derby to me, dated June 30.

“In reply, I have the honor to state that, by the first opportunity, I will forward a copy of your Excellency’s communication to my Government, but I regret to inform your Excellency that my instructions are not to discuss

the points raised by your Excellency as regards the payment of the indemnity, and, with a view of avoiding grave complications for your Excellency's Government and for the people of Guatemala, I have now the honor to present the ultimatum of Her Britannic Majesty's Government, which is the immediate payment of the indemnity fixed by Lord Derby, namely 10,000 sterling.

"I await your Excellency's reply with much anxiety.

"I avail, etc.,

(Signed) HENRY SCHOLFIELD."

To this the Guatemalan Minister for Foreign Affairs replied:

"Sir: I have received your note, dated today, in which you inform me that, in accordance with your instructions, you are not authorized to discuss the question of indemnization, and that the ultimatum of your Government is to demand at once the 50,000 dollars which Lord Derby names as indemnity for the outrage which the ex-Commandant Gonzalez inflicted in the port of San Jose on Vice-Consul Magee.

"With reference to your note I answer that, in view of the difficulties and grave complications which you augur for my Government and for the people of Guatemala, and the wish to avoid involving the country in the bloodshed of an unequal struggle which would be provoked by a resistance to the ultimatum of Her Britannic Majesty, my Government has decreed that the sum referred to should be placed at your disposition, to which effect I enclose an order on the Minister of Finance for 50,000 dollars.

"Notwithstanding this, my Government, firm in its rights, has determined to address itself directly to that of Her Britannic Majesty, explaining more fully the

reasons that it has for believing to be neither just nor true its mode of proceeding in this affair of the indemnity which it has demanded and forced us to pay to you.

“I avail, etc.,

(Signed) MARCO A. SOTO.”

An account of the manner in which the matter was finally settled through the salute of the flag is given in the following report of Rear Admiral Cochrane to his official superiors:

“Repulse,” at San José de Guatemala,

September 5, 1874.

Sir: I have the honor to inform you, for the information of the Lords Commissioners of the Admiralty, that on the 24th August I received a letter from Mr. Scholfield, Her Britannic Majesty’s Chargé d’Affaires at Guatemala, informing me that Colonel Gonzalez and Bulnes had been sentenced to confinement to the satisfaction of Her Majesty’s Government.

2. A subsequent communication from Her Majesty’s Chargé d’Affaires, dated 31st August, stated that the sum of 10,000*l.* sterling had been paid by the Guatemala Government into his hands, as the indemnity for the outrage committed on the person of Vice-Consul Magee.

3. The Guatemala troops, about 230 strong, with 4 pieces of Artillery, having arrived from Guatemala, the inclosed programme as to the manner in which honor should be rendered, and the salute of twenty-one guns fired, to the British flag by the Guatemala Authorities, was agreed upon by General Solares, in command of the troops, and myself.

4. On the 4th instant the salute to the British flag of twenty-one guns was fired precisely at 10 o’clock, with

every solemnity, and to witness the ceremony Her Majesty's Chargé d'Affaires attended, also the United States Minister, General Williamson, who had come expressly from Guatemala to be present, and for whose presence and courtesy I shall always feel indebted.

5. The Captains of the "Repulse," "Tenedos," "Fantome," and "Peterel," their officers and the Consular Authorities, and English and foreign residents, also took part in the ceremony.

6. It is with great pleasure I have to mention that, not only did General Solares carry out everything exactly as agreed upon in the programme, but when the British flag was being hauled down at the conclusion of the ceremony his troops presented arms, and subsequently lined the entire length of the pier on my embarkation, prior to which, as a proof of cordiality and good will, General Solares invited the Diplomatic Body and myself to take wine in his house.

6. At 1 P. M. Her Majesty's ship "Repulse" saluted the Guatemala flag with twenty-one guns; subsequently my flag was saluted with thirteen guns, both of which were respectively returned.

7. At 4 P. M. the Diplomatic Body and General Solares, his officers, the captains of the squadron, and leading merchants, were entertained by me at a banquet on board Her Majesty's ship "Repulse," and General Solares on leaving received the salute due to his rank, which was duly returned. Thus ended the ceremonies of the day with the Guatemala Authorities, which were conducted and concluded with cordiality and good will.

I have, &c.,

(Signed) A. A. COCHRANE.

Admiral Cochrane received the approval of his government and was commended for "the discretion shown by him in performing the important and delicate duty with which he was charged.

Lord Derby instructed the head of the British Mission in the United States to express his government's appreciation of the courageous action of Consular Agent James, and of the cooperation of the American minister.

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